

would be the right word in its place. Then it would read "lottery shall not be authorized by the State or its political subdivisions."

THE CHAIRMAN: Delegate Gallagher.

DELEGATE GALLAGHER: I just have one other question. What do you believe the odds are against the Court of Appeals declaring bingo to be a lottery.

*(Laughter.)*

DELEGATE SHERBOW: I learned long ago the only thing that is safe not to bet on outside of what a court will do is what the Convention will do on a given vote.

*(Laughter.)*

THE CHAIRMAN: Any further questions? Delegate Sherbow, before you leave the desk, the Chair is now confused once more by the answers to first Delegate Harry Taylor's questions and then answers to Delegate Gallagher. I had supposed from your answer to Delegate Taylor's questions that you were suggesting that you would not be opposed to a provision with respect to lotteries that that would prohibit a lottery being conducted either by the State or its political subdivisions. I take it from your answer to Delegate Gallagher that you were adhering to your prior position that this language should be so drawn regardless of what words are used as to prohibit both public and private lotteries. Can you state clearly which is the proper interpretation?

DELEGATE SHERBOW: Our interpretation is that lotteries shall not be authorized by the State or its political subdivisions. This means that the state will not have lotteries, political subdivisions will not have lotteries, and private groups cannot have lotteries. Our interpretation is bingo is not lottery.

THE CHAIRMAN: But if it should be held by the Court of Appeals to be embraced within the meaning of the word lottery, then the effect of this provision would be to prohibit it, is that correct?

DELEGATE SHERBOW: I am sorry to say that would be so. I would hate to have that end result. If somebody or any group feels so strongly about this aspect of it, I for one would be perfectly willing to say that the subject of bingo, as we now have it in Maryland, is under sufficient restraint and protection of the present laws that we do not intend to outlaw it by this provision.

THE CHAIRMAN: Delegate Fox.

DELEGATE FOX: Delegate Sherbow, we now have what I think is substantially the same language in the present Constitution as the language of your Committee. We now have permitted in the State of Maryland raffles. These raffles are authorized, as you are aware, by law. In some counties they have to get a license for them from the, I started to say sheriff, but that's almost an improper word. But under the recommendation of the Committee, am I correct in assuming that the raffles would still be permitted and the same way they are now permitted under the similar language in the present Constitution.

DELEGATE SHERBOW: This is what we were not intending to interfere with. We did not intend to interfere with that.

THE CHAIRMAN: Any further questions?

Delegate Grant.

DELEGATE GRANT: Delegate Sherbow, under the general police powers of the State, as I understand it, the General Assembly could prohibit any form of gambling including horse racing or bingo or anything else, is that correct?

DELEGATE SHERBOW: Yes.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: Would I be correct that if this amendment were passed, the Court of Appeals, by interpreting horse racing, bingo, or any other form of gambling, as a lottery, could certainly prohibit it by declaring it to be unconstitutional.

DELEGATE SHERBOW: They have not done so; they have done the reverse, whatever they have done in the past. That's all I can say, just as they have not with respect to bingo.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: I realize that, Judge Sherbow, and I realize what you say here, but despite everything we say here, if such circumstances would appear, anything that the Court of Appeals would define as a lottery, they could then prohibit.

DELEGATE SHERBOW: All I can say is that if we were going to stretch the definition to include every conceivable form of gambling when what we are really talking about is lottery, then I have no control over what would take place.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: However, if there was nothing in the Constitution concerning